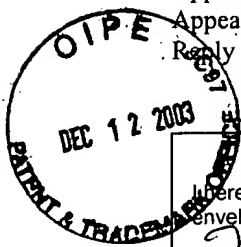


Appl. No. 09/887,626
Appeal Brief dated December 10, 2003
Reply to Office Action of April 11, 2003



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Wesley J. Howard
Attorney for Applicant(s)

PATENT APPLICATION
Docket No. 2291.2.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant(s): Michael L. Howard et al.
Serial No.: 09/887,626
Filed: June 22, 2001
For: ELECTRONIC DEVICE WITH PAGING FOR
ENERGY CURTAILMENT AND CODE
GENERATION FOR MANUAL VERIFICATION
OF CURTAILMENT
Examiner: Edwin C. Holloway, III

DEC 17 2003
Technology Center 2600
Group Art
Unit: 2635

APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. 05/11/2004 EEKUBAY1 00000068 09887626
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Refund Ref: 0030015841
05/11/2004

Dear Sir:

A final Office Action dated April 11, 2003 rejected all claims (claims 1-26) in the present application. A timely Notice of Appeal was mailed on October 10, 2003 and was received by the United States Patent Office on October 14, 2003. Appellants' Appeal Brief is being filed herewith. This Appeal Brief is being filed in triplicate under the provisions of 37 C.F.R. § 1.192. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or to credit any overpayment, to Deposit Account No. 13-0763.

1. REAL PARTY IN INTEREST

The real party in interest is the assignee, emWare, Inc.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

3. STATUS OF CLAIMS

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Glorioso et al, U.S. Patent No. 5,926,776 (hereinafter, "Glorioso") in combination with Von Kohorn, U.S. Patent No. 5,128,752 (hereinafter, "Von Kohorn"). Claims 1-26 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Glorioso in combination with Von Kohorn and further in view of Nierlich, U.S. Patent No. 6,519,509 (hereinafter, "Nierlich"), Wilson, U.S. Patent No. 6,160,993 (hereinafter, "Wilson"), Hunter, U.S. Patent No. 5,243,654 (hereinafter, "Hunter") and/or Chainer, EP 1,020,813 (hereinafter, "Chainer").

Appellants appeal the rejections of claims 1-26.

4. STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection.

5. SUMMARY OF INVENTION

As stated in the background section of the patent application, blackouts are sometimes caused because of a failure of the utility company's power system. However, sometimes blackouts can be caused by a demand for power resources that exceeds the supply of power available. In times of peak usage, energy providers may be susceptible to blackouts or brownouts because of power shortages. Blackouts or brownouts may be avoided by instructing users of the system to reduce their power consumption during power shortages. In addition, power may be conserved by requesting that users of the system reduce their power consumption. As pointed out in the background section, it would be beneficial to use modern computer and communications technology to reduce the likelihood of power outages or shortages. See the Appellants' patent application (hereinafter referred to as the "Specification"), page 1, lines 10-19.

As presently claimed, the present invention is directed toward a curtailment module for

enabling an energy provider to send a request to curtail energy use to a user. The curtailment module includes an interface for electronic communications with a temperature control device. The curtailment module also includes a paging module for receiving the request from the energy provider through a paging network. Further, the curtailment module includes a processor in electronic communication with the paging module for receiving the request from the paging module. The curtailment module also includes memory in electronic communication with the processor. The memory stores history data and is programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed. The history data is not the same as the verification code.

In one embodiment the energy provider 24 communicates with the curtailment module 26 through the use of a paging network 22. Specification, page 4, lines 27-29, page 5, lines 1-19 and Figure 1. Thus the energy provider 24 sends a request to curtail energy use to a user by sending the request to the curtailment module 26. *Id.*

In one embodiment the curtailment module 26 includes an interface 90 for electronic communications with a temperature control device 28. Specification, page 9, lines 14-29, page 10, lines 1-29, page 11, lines 1-6 and Figure 9. The curtailment module 26 also includes a paging module 84 for receiving the request from the energy provider through a paging network. *Id.* Further, the curtailment module 26 includes a processor 78 in electronic communication with the paging module 84 for receiving the request from the paging module 84. *Id.* The curtailment module 26 also includes memory 80 in electronic communication with the processor 78. *Id.* The memory 80 stores history data 100 and is programmed with verification instructions 104 to generate a verification code 102 to be used by a user to manually verify whether the request was followed. Specification, page 11, lines 17-29, page 12, lines 1-16 and Figure 10. The history data 100 is not the same as the verification code 102. *Id.* The user may then present the curtailment verification code to the energy provider for curtailment credit. Specification, page 12, lines 23-26 and Figure 11.

As discussed in the detailed description of Appellants' patent application, the verification code may be used for cost savings. Specification, page 6, lines 7-28; page 7, lines 18-20; page 11, lines 22-28; page 12, lines 24-26. Use of the verification code for manual verification of

curtailment also benefits the system provider because some users may not be willing to take the time to manually verify curtailment, and thus the system provider would not have to give credit or savings to that user, even though he or she may have curtailed their energy use. Thus, requiring manual verification of curtailment may result in cost savings to the system provider as well.

6. ISSUES

The following issues are presented for review:

I. Whether claims 1-26 are unpatentable under 35 U.S.C. § 103(a) over Glorioso in view of Von Kohorn.

7. GROUPING OF CLAIMS

Claims 1-26 (all pending claims) stand or fall together.

8. ARGUMENT

Rejection of Claims 1-26 Under 35 U.S.C. § 103

The Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over Glorioso et al, U.S. Patent No. 5,926,776 (hereinafter, "Glorioso") in combination with Von Kohorn, U.S. Patent No. 5,128,752 (hereinafter, "Von Kohorn").

This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references

must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142. A *prima facie* case of obviousness has not been established regarding claims 1-26 because the prior art cited does not teach or suggest all the claim limitations.

Claim 1 recites a “curtailment module for enabling an energy provider to send a request to curtail energy use to a user.” The curtailment module requires the following claim element:

memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed, wherein the history data is not the same as the verification code.

Glorioso does not disclose, nor does it teach or suggest, the “memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed.” To the contrary, Glorioso teaches an energy provider verifying that an action effecting energy demand has taken place.

First, the “verifying” that is disclosed by Glorioso takes place at the energy provider and not at the user’s location. Glorioso states the following:

FIG. 2 illustrates the energy provider of the present invention and referred to by the general reference number 60. ***The energy provider 60 includes a computer system 62 including software for*** monitoring and adjusting energy supply and demand and computing energy bills for individual energy consumers; and a receiver 64 and a transmitter 66 coupled through the communication network 50 for two-way communication with the smart thermostat 10. ***The software includes code for*** using information for the temperature setpoints and associated acceptable costs received from the smart thermostat 10 for predicting the effect that a change in the current price of energy will have upon energy demand. ***The software further includes code for verifying that an action has taken place at the smart thermostat 10 and calculating the effect of that action upon energy demand.***

Glorioso, Col. 4, lines 37-51. As shown, the energy provider is the entity that has the software “for verifying that an action has taken place at the smart thermostat 10 and calculating the effect of that action upon energy demand.” *Id.* In contradistinction, in Applicant’s invention as claimed in claim 1, the curtailment module has “memory being programmed with verification

instructions to generate a verification code to be used by a user to manually verify whether the request was followed.”

Second, there is no “verification code” in Glorioso. In Glorioso, as shown above, the energy provider includes “code for verifying that an action has taken place at the smart thermostat.” Glorioso, Col. 4, lines 49-51. No “verification code” was generated. Because the energy provider itself is performing a verification function, there is no need for a “verification code” as claimed by Applicant. As a result, Glorioso does not teach or suggest a “verification code”.

Third, the “verification instructions . . . generate a verification code to be used by a user to manually verify whether the request was followed.” The energy provider in Glorioso “verif[ies] that an action has taken place at the smart thermostat 10 and calculat[es] the effect of that action upon energy demand.” Glorioso, Col. 4, lines 49-50. Thus, this verification is automatically performed by the energy provider. There is no “verification code” that is used by a user “to manually verify whether the request was followed.” Glorioso does not teach or suggest manual verification. Glorioso states the following:

The transceiver transmits information for the control signal, temperature setpoints and associated costs to the energy provider. The energy provider may then predict the effect a change to the current energy price will have on energy demand, *influence the demand in real time by adjusting the energy price, and verify from the smart thermostat that the demand was effected.*

Glorioso, Abstract. Glorioso further states:

The receiver 64 receives user status information from the smart thermostat 10 including information for the control signals, temperature, temperature points set by the user, acceptable energy costs associated with each of the temperature setpoints and passes the information to the computer system 62. The computer system 62 then recomputes the current energy price based upon the user temperature setpoints and the associated acceptable energy cost levels in order to adjust the demand for energy according to the supply and passes the adjusted current energy price levels to the transmitter 66 to be issued via the communication network 50.

Glorioso, Col. 4, lines 59-67 and Col. 5, lines 1-3. Glorioso monitors supply and demand in real-time and adjusts the price accordingly. Manual verification would not only not

work in Glorioso, but it would destroy the very purpose of the invention in Glorioso because it could not monitor supply and demand in real-time and adjust the prices and further send these prices to users in real-time. A straight-forward reading of Glorioso makes it clear that this is what Glorioso is doing. The Examiner has merely found the word "verification" without understanding or contemplating the disclosure in Glorioso. Patentability is not determined by simply searching for keywords, finding them, and then applying them out of context.

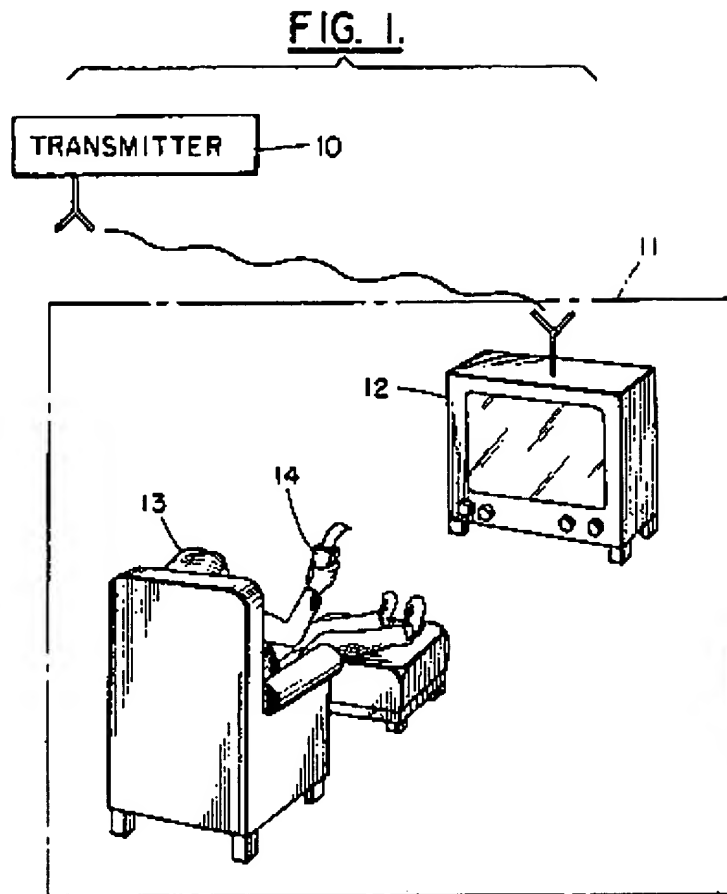
The Examiner has improperly tried to combine the Glorioso reference with the Von Kohorn reference. The Von Kohorn reference is a system and method for generating and redeeming tokens.

The present invention includes a system and method that permits the generating and dispensing of tokens, such as product discount coupons, specified by individual members of a broadcast audience in remote locations such as their homes, these individual members of the broadcast audience being potential shoppers or customers.

Von Kohorn, Col.1, lines 21-27.

Viewers 13, which also constitute potential shoppers or customers, at the various remote locations 11 constitute a broadcast audience. The present invention includes providing generating units 14 at the remote locations 11 of the members 13 of the broadcast audience. Each generating unit 14 is intended to be self contained and individually operated by a viewer 13 to generate and dispense tokens or coupons 2 (See FIG. 3) to the viewer 13 in the convenience of the viewer's home.

Von Kohorn, Col. 4, lines 36-45. Figure 1 of Von Kohorn is shown below:

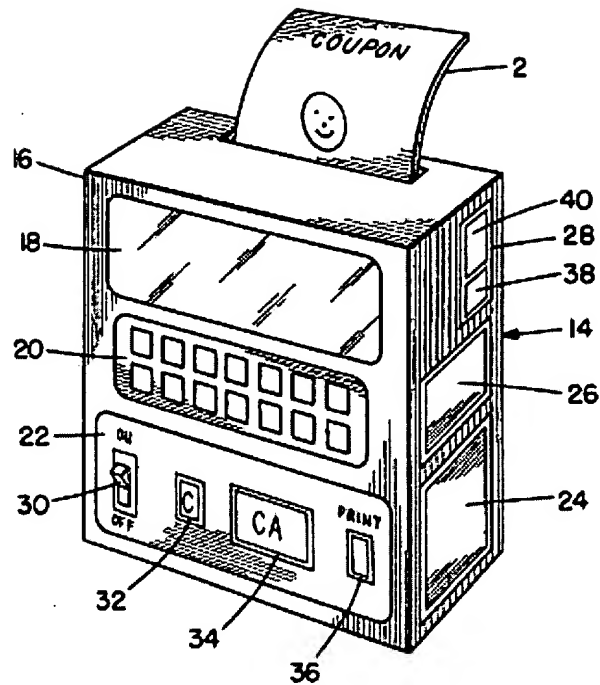


The generating unit 14 is used to print out or generate coupons printed on paper. See Von Kohorn, Cols. 4 and 5. Regarding the generating unit 14, Von Kohorn states:

In the embodiment shown, the generating unit 14 is generally intended to generate coupons 2 printed on paper. However, it should also be understood that the invention is equally applicable to the creation of other types of tokens, such as magnetic cards.

Von Kohorn, Col. 4, lines 41-45. Figure 2 of Von Kohorn, which shows the generating unit, is shown below.

FIG. 2.



Von Kohorn discloses verification data that may be used to determine if a coupon or token is valid and whether particular rules for using the token were followed. Von Kohorn states the following:

The employee 15 at the redemption facility 3 can review or authenticate the product indicia line, discount information line, and any other recorded coupon redemption information to verify compliance with predetermined redemption requirements or limits before granting value consideration to the shopper 13. The employee 15 might authenticate by comparing the redemption information to a redemption listing or by entering the redemption information into a computer, such as by a keyboard or bar code reader, which would automatically compare the redemption information on the coupon to a redemption listing or database.

Von Kohorn, Col. 5, lines 65-67 and Col. 6, lines 1-10. Von Kohorn does not disclose, nor does it teach or suggest "memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed." Von Kohorn discloses that a user may enter the verification data:

The input keys or data entering section 20 *permits a TV-viewer 13 to enter product information into the unit 14*, such as product names and specifications of

a product which the viewer intends to buy in the near future, *and verification data*.

Von Kohorn, Col. 5, lines 1-6. The verification data may be stored in memory and/or printed, as evidenced by the following:

The control keys or control section 22, in the embodiment shown, generally comprise an on/off key 30, a clear key 32, a clear-all key 34, and a print activation key 36. The control keys are suitably connected to the electronic controller (not shown) which is, in turn, connected to the memory unit 28 and printer unit 26. The memory unit 28, in the embodiment shown, generally comprises a first memory section 38 and a second memory section 40. The first memory section 38 is intended to be used as a temporary memory for storing information input at input keys 20 until such time as one of the control keys 22 are used. The temporary memory section 38 has two separate portions, a first single item memory portion and a second single record memory portion. The single item memory portion is intended to store only one type of information at a time, such as product name, product size, or discount value, etc. The single record memory portion is intended to store information for a single record which includes product name, product size, discount value, and verification data, etc. The viewer 13 can input data or information at keys 20 which is stored in the single item memory portion until an enter key is depressed and the information can be transferred to the single record memory portion. Alternatively, the viewer 13 can depress the clear key 32 to delete the information in the single item memory portion, but not affect information in the single record memory portion. Information in the single record memory portion can either be deleted by depressing the clear-all button 34 or depressing the print button 36. If the viewer depresses the print button 36, in addition to printing a coupon 2, the generating unit 14 can also store the printed information in its second memory section 40 for purposes as described below.

As shown below by Figures 4A and 4B of Von Kohorn, the verification data is printed on the coupon or token. In Figure 4A, the indicia 46 is the verification data. See Von Kohorn, Col. 6, lines 20-22. In Figure 4B, the verification data 50 is clearly labeled.

FIG. 4A.

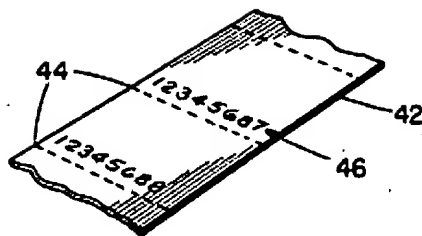


FIG. 4B.

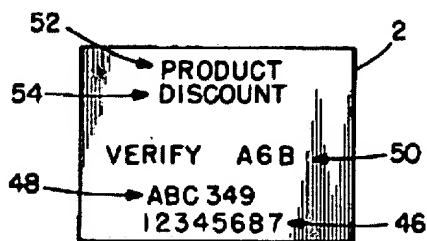
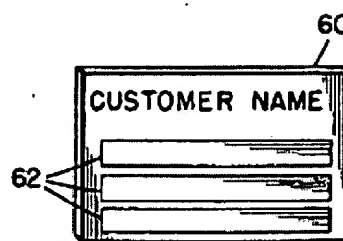


FIG. 5.



This verification data is not the result of “memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed.” Indeed, Von Kohorn even states that the coupons or tokens may be pre-printed with this verification data, as follows:

For paper matrix 42 (see FIG. 4A), the matrix preferably has perforations 44, but these need not be provided if the generating unit 14 has a cutter to separate the printed coupon from the matrix. When desired, the matrix sections formed between the perforations 44 are premarked or prenumbered with indicia 46 suitable for use for verification or authentication purposes

Von Kohorn, Col. 6, lines 16-22. Although the verification indicia need not be pre-printed on the coupon, it is nonetheless provided by the broadcasting central location. “In another embodiment, the transmitter or television station 10 also transmits verification data that must be entered into the generating unit 14 which is recorded on the coupon 2 as verification data or indicia 50.” Von Kohorn, Col. 6, lines 53-56.

The verification data of Von Kohorn is simply a number pre-determined by the broadcaster or coupon-provider that can be used for various purposes. It can be used to “verify compliance with predetermined redemption requirements or limits” before the employee at the redemption facility redeems the coupon. Von Kohorn, Col. 6, lines 1-4. In addition, “[t]he

verification or redemption data provided on the token can enable the redemption facility to reject coupons presented after the cutoff data or, coupons which are not for that facility.” Von Kohorn, Col. 8, lines 46-49. It is also used to award prizes. Von Kohorn, Col. 6, lines 56-61. It also appears that the verification data in Von Kohorn is not even necessary, as shown by the following:

The product information conveyed by electronic signals from a central location 10 may pertain to a single available product or to a plurality of available products, each accompanied by its specification, prize or discount information and, *when desired, verification data.*

Von Kohorn, Col. 7, lines 55-59 (emphasis added). Thus, as shown, Von Kohorn does not disclose, nor does it teach or suggest its generating unit having the following claim element:

memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed, wherein the history data is not the same as the verification code.

A prima facie case of obviousness has not been established regarding claim 1 because the prior art cited does not teach or suggest all the claim limitations. Specifically, neither Glorioso nor Von Kohorn disclose the following claim limitation:

memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed, wherein the history data is not the same as the verification code.

A prima facie case of obviousness has not been established regarding claim 1 because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Glorioso monitors supply and demand in real-time and adjusts the price accordingly. Manual verification would not only not work in Glorioso, but it would destroy the very purpose of the invention in Glorioso because it could not monitor supply and demand in real-time and adjust the prices and further send these prices to users in real-time. Thus there is

no suggestion or motivation to combine the reference teachings. Glorioso teaches away from any such combination because such a combination would destroy the central purpose of Glorioso to monitor supply and demand in real-time and adjust prices accordingly.

Furthermore, there is no motivation to even try to print coupons or tokens in a user's home for use when purchasing products at retail outlets with Glorioso. Glorioso deals with a service provider -- an energy provider. Glorioso itself provides the ability for a consumer to pay a bill for the energy without leaving the home. The whole point of Von Kohorn was "to raise the rate of redemption of prize or discount coupons and thus increase purchases of certain products, increase distribution of consideration to purchasers, and increase the volume of potential purchasers going to sellers' locations." Von Kohorn, Col. 1, lines 41-47. On the one hand Glorioso provides the ability for a consumer to pay without leaving the home, while on the other hand the whole point of Von Kohorn was to "increase the volume of potential purchasers going to sellers' locations." *Id.* There is no suggestion or motivation to combine these two references.

A prima facie case of obviousness has not been established regarding claim 1 because there is no reasonable expectation of success. As stated above, Glorioso monitors supply and demand in real-time and adjusts the price accordingly. Manual verification would destroy the very purpose of the invention in Glorioso because it could not monitor supply and demand in real-time and adjust the prices and further send these prices to users in real-time. Thus there is no reasonable expectation of success.

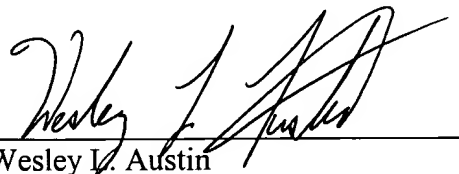
The claimed invention must be considered as a whole. M.P.E.P. § 2143. The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. M.P.E.P. § 2143. The Examiner has not considered the references as a whole. As pointed out above, when the references are considered as a whole it is clear that not only is there no motivation to combine the two, but any combination of the verification data system of Von Kohorn with Glorioso would destroy the very purpose of Glorioso. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The proposed modification cannot render the prior art unsatisfactory for its intended purpose. M.P.E.P. § 2143. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). As stated above, Glorioso monitors supply and demand in real-time and adjusts the price accordingly. A combination of Von Kohorn with Glorioso would render Glorioso unsatisfactory for its intended purpose because it could not monitor supply and demand in real-time and adjust the prices and further send these prices to users in real-time.

Claims 1-26 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Glorioso in combination with Von Kohorn and further in view of Nierlich Wilson, Hunter and/or Chainer. The Examiner provided no assertions or reasoning whatsoever that these additional references of Nierlich Wilson, Hunter and/or Chainer were used to reject any of the independent claims. Appellants have assumed that these additional references were only used in rejecting dependent claims. Appellant has fully responded to the standing rejections because they are all based on the improper combination of Glorioso and Von Kohorn, as argued above.

Appellants note that claim 1-26 stand or fall together. Therefore, for the reasons discussed above, Appellants assert that the rejection of claims 1-26 is improper. Reversal of the Examiner's rejections and allowance of the pending claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

Wesley L. Austin
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Date: December 10, 2003

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APPENDIX

Listing of Claims involved in the appeal:

1. (Amended) A curtailment module for enabling an energy provider to send a request to curtail energy use to a user, the curtailment module comprising:

an interface for electronic communications with a temperature control device;

a paging module for receiving the request from the energy provider through a paging network;

a processor in electronic communication with the paging module for receiving the request from the paging module; and

memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the request was followed, wherein the history data is not the same as the verification code.

2. The curtailment module as defined in claim 1 wherein the memory is further programmed with instructions to cause the curtailment module to receive the request from the energy provider.

3. The curtailment module as defined in claim 1 wherein the memory is further programmed with instructions for communicating with the temperature control device.

4. The curtailment module as defined in claim 1 further comprising a display.
5. The curtailment module as defined in claim 1 further comprising an input device for enabling the user to enter a user input.
6. (Amended) The curtailment module as defined in claim 1 wherein the history data relates to the temperature control device and wherein the memory is further programmed with instructions to cause the processor to store the history data in the memory.
7. The curtailment module as defined in claim 1, wherein the verification instructions use a device ID in generating the verification code.
8. (Amended) The curtailment module as defined in claim 1, wherein the verification instructions use a device ID and the history data in generating the verification code.
9. (Amended) The curtailment module as defined in claim 1, wherein the verification instructions use a device ID, the history data and a curtailment message in generating the verification code.
10. The curtailment module as defined in claim 1, wherein the verification instructions further display the verification code on a display after generating the verification code.

11. (Amended) A curtailment module for enabling an energy provider to send a curtailment message to a remote structure, the curtailment module comprising:

- an interface for electronic communications with a temperature control device;
- a paging module for receiving the curtailment message from the energy provider through a paging network;
- a processor in electronic communication with the paging module for receiving the curtailment message from the paging module;
- memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the curtailment message was followed, wherein the history data is not the same as the verification code;
- a display for outputting information to a user; and
- an input device for enabling the user to enter a user input.

12. The curtailment module as defined in claim 11 wherein the memory is programmed with communication instructions for communicating with the temperature control device and for monitoring settings of the temperature control device.

13. (Amended) The curtailment module as defined in claim 12 wherein the history data relates to the temperature control device and wherein the memory is programmed with history instructions for storing the history data.

14. The curtailment module as defined in claim 13 wherein the verification instructions use the history data and the curtailment message and a device ID.

15. The curtailment module as defined in claim 14 wherein the memory is programmed with display instructions to display the verification code on the display.

16. (Amended) A curtailment module for enabling an energy provider to send a curtailment message to a remote structure, the curtailment module comprising:

means for interfacing the curtailment module with a temperature control device;

means for receiving the curtailment message from the energy provider through a paging network;

means for processing, the processing means being in electronic communication with the receiving means for receiving the curtailment message;

memory in electronic communication with the processing means, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the curtailment message was followed, wherein the history data is not the same as the verification code;

means for displaying information to a user; and

means for inputting by the user, the inputting means enabling the user to enter a user input.

17. The curtailment module as defined in claim 16 wherein the memory is programmed with communication instructions for communicating with the temperature control device and for monitoring settings of the temperature control device.

18. (Amended) The curtailment module as defined in claim 17 wherein the history data relates to the temperature control device and wherein the memory is programmed with history instructions for storing the history data.

19. The curtailment module as defined in claim 18 wherein the verification instructions use the history data and the curtailment message and a device ID.

20. (Amended) A method for requesting that energy use be curtailed at a structure and for verifying curtailment, the method comprising:

- creating a curtailment message to send to the structure;
- sending the curtailment message to the structure through a pager network;
- receiving the curtailment message by a curtailment module at the structure;
- displaying the curtailment message at the structure;
- monitoring a temperature control device in electronic communication with the curtailment module;
- saving history data that relates to settings from the temperature control device;
- generating a verification code to be used by a user to manually verify whether the curtailment message was followed, wherein the history data is not the same as the verification code; and
- displaying the verification code at the structure for the user.

21. The method as defined in claim 20 further comprising using the history data, the curtailment message and a device ID in generating the verification code.

22. (Amended) A combination temperature-control curtailment module for enabling an energy provider to send a curtailment message to a remote structure, the temperature-control curtailment module comprising:

- a temperature control module for controlling the temperature of the remote structure;
- a paging module for receiving the curtailment message from the energy provider through a paging network;
- a processor in electronic communication with the paging module for receiving the curtailment message from the paging module;
- memory in electronic communication with the processor, the memory storing history data, and the memory being programmed with verification instructions to generate a verification code to be used by a user to manually verify whether the curtailment message was followed, wherein the history data is not the same as the verification code;
- a display for outputting information to a user; and
- an input device for enabling the user to enter a user input.

23. The temperature-control curtailment module as defined in claim 22 wherein the memory is programmed with communication instructions for communicating with the temperature control module and for monitoring settings of the temperature control module.

24. (Amended) The temperature-control curtailment module as defined in claim 23 wherein the history data relates to the temperature control device and wherein the memory is programmed with history instructions for storing the history data.

25. The temperature-control curtailment module as defined in claim 24 wherein the verification instructions use the history data and the curtailment message and a device ID.

26. The temperature-control curtailment module as defined in claim 25 wherein the memory is programmed with display instructions to display the verification code on the display.